IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

AS.No. 982 of 1998(A)

OS.569/1995 of II ADDL.SUB COURT,KOZHIKODE
.....

APPELLANT:DEFENDANT

T.P.DINIL KUMAR,
S/O. SATHYAPALAN, AGED 32 YEARS,
MATHMMANILA KANDATHIL PUTHEN PURAYIL,
CHERUVANNUR AMSOM DESOM,
KOLATHARA KOZHIKKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT/PLAINTIFF

P.K.ASHOKAN, S/O. RAMUTTY,
AGED 48 YEARS, PARAPPURAL THADATHIL
HOUSE, VELIPRAM AMSOM, KARINKALLAI
DESOM, KOZHIKKODE TALUK.

BY ADV. SRI.K.A.SALIL NARAYANAN

THIS APPEAL SUITS HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

A.S.No.982 of 1998

Dated this the 10th December, 2007.

J U D G M E N T

The defendant in a suit based on pro-note is the appellant. The respondent-plaintiff has filed the suit for recovery of money. The appellant pleaded discharge of the debt by producing Ext.B1 letter. The court below did not accept that document and decreed the suit. The Trial Court has given cogent reasons for rejecting Ext.B1.

2. After considering the matter, I do not find any reason to take a different view than the one taken by the trial court. There is no merit in this appeal and the appeal is only to be dismissed under Order XLI Rule 11 of the Civil Procedure Code.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.

K.PADMANABHAN NAIR, J.

A.S.No.982 of 1998

J U D G M E N T

Dated:10th December, 2007.